

Q9
Don't

columns as shown, as long as at least one aperture is not in linear alignment with the other apertures that are aligned. The position of the apertures in the array on one side of the anti-theft sensor assembly 17 does not have to match or mirror the position of the apertures in the array on the other side.

IN THE DRAWINGS AMEND:

Please substitute new Fig. 2 (enclosed) for the original Fig. 2.

Please insert new Fig. 9 (enclosed).

REMARKS

The application has been amended to distinguish the claimed invention over the cited prior art, and to place the application as a whole, into a *prima facie* condition for allowance at this time. Care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

The disclosure of the specification has been objected to due to certain informalities. Specifically, the Examiner has requested the following changes be made: on page 11, line 17, "holes 4" should be --holes 5--; on page 14 line 13 delete "on" before "symmetrically".

In complete response thereto, Applicant has amended the specification as follows: on page 11, line 17, "holes 4" has been replaced with "holes 5", and on page 14, line 13, the word "on" has been deleted before the word "symmetrically". Accordingly, Applicant respectfully submits that the Examiner's basis for objection to the disclosure should be deemed overcome, and reconsideration and withdrawal of the objection to the disclosure are respectfully solicited.

Applicant additionally respectfully wishes to bring to the Examiner's attention additional amendments made to the disclosure of the specification to correct typographical and grammatical errors and to make consistent the recital of various nomenclature.

Specifically, Applicant has:

1. Amended lines 9 – 13 on page 6 to clarify the object of the last part of the sentence. Specifically, Applicant has terminated the sentence beginning on line 9 page 6 after the word "monitored" on line 11 page 6 and rearranged the remainder of the

- sentence which ends on line 13 to insure that the object of the sentence is “signal transmission medium” and not “signaling device”. Support for this change to the specification is found in Claim 7 wherein the object of the last sentence in the claim refers to “a signal transmission medium”. Applicant respectfully submits that no new material has been added to the disclosure as a result of this change.
2. Amended lines 8 - 12 on page 9 to clarify the object of the remainder of the sentence and to correct a typographical error. Specifically, Applicant has terminated the sentence beginning on line 8 page 9 after the word “monitored” on line 11 page 9 and rearranged the remainder of the sentence which ends on line 12 to insure that the object of the sentence is “signal transmission medium” and not “signaling device”. Included in this change is a typographical correction in which the word “single” in line 12 has been changed to “signal”. Support for these changes to the specification is found in Claim 17 wherein the object of the last sentence in the claim refers to “a signal transmission medium”. Applicant respectfully submits that no new material has been added to the disclosure as a result of this change.
 3. Amended lines 12-13 on page 12 to replace “alarm system” with “alarm signaling device **6a**” to maintain consistent recital of the nomenclature and added the word “by” before the word “utilizing” to correct an obvious grammatical error. Support for this change to the specification is found in Claims 7 and 17 wherein a signal transmission medium transmits an electrical signal to an “alarm signaling device”. Applicant respectfully submits that “alarm system” and “alarm signaling device **6a**” are one and the same devices. Applicant respectfully submits that no new material has been added to the disclosure as a result of this change.
 4. Amended line 8 on page 13 to replace the phrase “The user should chose” with “A user would choose” to correct a grammatical error. Applicant respectfully submits that no new material has been added by this change.
 5. Inserted the following on line 20 on page 13 after the word “activated.”: “In the event of an interruption of operable contact between the electro-mechanical switch **9** and the surface of the camera being monitored **10**, an electronic circuit board **6b** housed within the electronic anti-theft sensor assembly **6** creates an electrical signal for use by the signaling device **14** and the alarm signaling device **6a**.” Support for this

change exists in Claims 7 and 17 wherein reference is made to an electronic circuit board creating an electrical signal upon interruption of the operable contact between the switch member and the surface of the article being monitored. Applicant respectfully submits that no new material has been added to the disclosure as a result of this change.

6. Amended line 20 page 13 to change the phrase "The alarm activating signal" to "The electrical signal" to maintain consistent recital of the nomenclature. Support for this change to the specification is found in Claims 7 and 17 wherein reference is made to the electrical signal being transmitted to the alarm signaling device. Applicant respectfully submits that no new material has been added to the disclosure as a result of this change.

The Examiner has objected to Claim 8 due to the following informalities: on line 4 insert --,-- after "member". In complete response thereto, Applicant has inserted --,-- after "member".

The Examiner has objected to Claim 11 due to the following informalities: on line 21 insert --,-- after "thereof". In complete response thereto, Applicant has inserted --,-- after "thereof". Accordingly, Applicant respectfully submits that the Examiner's bases for objection to the claims should be deemed overcome, and reconsideration and withdrawal of the objections to Claims 8 and 11 are respectfully solicited.

The Examiner has objected to the drawings for failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 4 - 4 on page 10, line 3. In complete response thereto, Applicant has amended the sight lines of Fig. 2 to be "4 - 4" as opposed to "Fig. 4 - Fig. 4" as originally set forth in the Application.

The Examiner has objected to the drawings under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. Specifically, the Examiner has stated that the electronic circuit board of Claims 7 and 17 must be shown in the drawings. In complete response thereto, Applicant has enclosed new Fig. 9 which illustrates the electronic circuit board of Claims 7 and 17. Applicant respectfully submits that no new material has been added to the disclosure as a result of incorporation of new Fig. 9. Accordingly, Applicant respectfully submits that the Examiner's basis for objection to the drawings should be deemed overcome, and reconsideration and withdrawal of the objection to the drawings are respectfully solicited.

The Examiner has rejected Claims 1-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 4,615,597 to Burriss in view of U.S. Pat. No. 6,380,855 to Ott and further in

view of U.S. Pat. 5,565,848 to Leyden et al. Applicant respectfully traverses the Examiner's substantive bases for rejection of the claims.

Applicant traverses the Examiner's combination of the cited references, particularly the combination of the Burriss and Ott references.

Two or more references may not be combined to support an assertion of obviousness of a claimed invention absent a teaching or suggestion to their combination. Further, two or more references may not be properly combined, if to do so would frustrate the functions, goals or purposes of one or more of the respective references.

Applicant respectfully submits that the Examiner's combination of the Burriss, Ott, and Leyden et al. references is inappropriate and was posed notwithstanding the complete absence of any teaching or suggestion in any of the references to such combination. Combining the cited references in an attempt to reconstruct Applicant's invention, with the benefit of the hindsight afforded by Applicant's own disclosure, deviates from the teachings of the cited references.

Specifically, the Burriss reference teaches a rigid attachment device for the stationary mounting and supporting of a large, and potentially heavy, commercial movie camera on an automobile to accommodate positive retention of the camera even when the automobile is moving at high speeds. A mounting plate having an array of mounting holes is employed to secure the camera to the camera mount in one of a number of directions while maintaining horizontal positioning of the camera – with no suggestion, much less disclosure, of any anti-theft sensor assembly.

By contrast, the Ott reference discloses an antitheft device intended for use on small merchandise items having curved surfaces, such as remote controllers and telephone receivers, where no means for their securement to an antitheft device is presented by the manufacturer of the merchandise items. A fixed part composed of movable mounting pads is secured to the merchandise item via double sided adhesive tape, as there are no threaded fastener holes in the merchandise itself. Furthermore, the fixed part facilitates the tethered removal of the merchandise from a base fixture to enable the up close examination of the merchandise by the customer, without sacrificing the security of the item being monitored.

Furthermore, Leyden et al. discloses an anti-theft sensor assembly that is conformable to the article being monitored, where no means for the securement of the anti-theft sensor is presented by the manufacturer of the merchandise items. A body composed of a hard plastic which is molded about a conformable material to replicate the shape of the article being

monitored, houses part of the overall mechanical and electrical components for an anti-theft system.

Applicant respectfully submits that one of ordinary skill in the art of anti-theft devices would not be motivated to look to the art of mounting methods for mounting commercial cameras onto vehicles when designing anti-theft devices for retail merchandise. In particular, one of ordinary skill in the art of anti-theft devices having the goal of flexible presentation of small electronic merchandise in a retail setting, without sacrificing merchandise security, would not be motivated to look to the elaborate fixation device as disclosed in Burriss wherein the object is to first support, and then enable unfettered removal of, heavy objects rigidly, though removably mounted to a moving automobile. In view of the foregoing, Applicant respectfully submits that there is no teaching or suggestion to combine the Burriss, Ott, and Leyden et al. references. Accordingly, Applicant submits that the Burriss, Ott, and Leyden et al. references may not be properly combined with one another to provide a basis under 35 U.S.C. §103 or rejection of Claims 1-18. Reconsideration and withdrawal of the rejection of Claims 1-18 on the basis of the combination of the Burriss, Ott, and Leyden et al. references are respectfully solicited.

Even if the Burriss, Ott, and Leyden et al. references could be properly combined to form a basis for rejection of the claims under 35 U.S.C. §103, which Applicant traverses, the resulting structure would still fail to teach or suggest Applicant's invention of amended independent Claims 1 and 11.

Specifically, neither the Burriss, Ott, nor Leyden et al references teach or suggest an anti-theft device assembly incorporating an anti-theft sensor assembly on a universally mountable mounting member, the anti-theft sensor assembly being positioned in a dedicated sensor region, displaced apart from the article attachment region and, thus, apart from the array of apertures in the mounting member used to mount the assembly to an article being monitored. Indeed, in attempting to show that the combination of the Burriss, Ott, and Leyden et al. references teach or suggest Applicant's invention, the Examiner marked zones A-C on Fig. 2 of the Burriss reference to show that the mounting plate incorporates a first aperture region (A) arranged on one side of a sensor region (B) and a second aperture region (C) arranged on the opposite side of sensor region (B). Applicant respectfully submits that nothing in the disclosure in Burriss contemplates a camera mounting plate having a sensor region of any sort -- because the camera mount in Burriss is not intended to be used to prevent theft of retail merchandise products. Simply put, as described in Amended Claims 1 and 11, the mounting member in Applicant's invention includes a dedicated sensor region distinct from said attachment region.

Applicant's invention of amended Claims 1 and 11 discloses a universal mount assembly for operably connecting an electronic anti-theft device in one of a plurality of orientations to an article being monitored in a retail sales environment. Applicant's original independent Claims 1 and 11 did not positively recite the limitation that the mounting member incorporate a dedicated sensor region displaced laterally away from the aperture region, although this limitation was disclosed in Figs. 1-3 and in Figs. 5-8. Inasmuch as none of the prior art references, taken alone or in combination, teaches or discloses a mounting member having a dedicated sensor region, said sensor region being positioned on the mounting member in displaced relation to the plurality of apertures used to secure the mounting member to the article being monitored, Applicant respectfully submits that the combination of amended Claims 1 and 11 should be deemed to patentably distinguish over the cited prior art. Reconsideration and withdrawal of the rejections of Claims 1 and 11, and allowance thereof, are respectfully requested.

Inasmuch as dependent Claims 2-10 and 12-18 merely serve to further define the subject matter of independent Claims 1 and 11, respectfully (which themselves should be deemed allowable), reconsideration and withdrawal of the rejection of Claims 2-10 and 12-18, and allowance thereof, are respectfully requested.

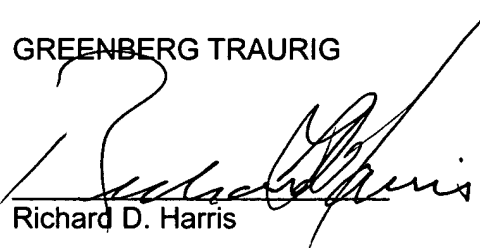
Applicant respectfully submits that the application as a whole, including all of Claims 1-18, is now in a *prima facie* condition for allowance at this time. Reconsideration and allowance of the application are respectfully requested.

Should anything further be required, a telephone call to the undersigned at (312) 456-8400 is respectfully requested.

Respectfully submitted,

GREENBERG TRAURIG

Dated: February 10, 2003


Richard D. Harris